

## Message Text

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CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01  
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05  
JUSE-00 L-03 NSAE-00 NSF-01 OES-09 OMB-01 PA-01  
PM-05 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00 INRE-00  
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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 3062

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 03363

FROM: LOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE DAILY SUMMARY - AUGUST 28

SUMMARY. THE G-77, WITH THE SUPPORT OF THE USSR AND CANADA, ATTACKED THE US FOR ITS STAND ON DEEP SEABED MINING LEGISLATION. THE US REBUTTED THE CRITICISM AND STRESSED THE POSITIVE NATURE OF ITS LEGISLATION. A VISA PROBLEM WITH THE CZECH DELEGATION WAS RAISED. NG-1 BEGAN DISCUSSION OF ANNEX II. CONCILIATORY APPROACHES TO DISPUTE SETTLEMENT WERE DISCUSSED IN NG-7. COMMITTEE III GROUPS CONSIDERED ARTICLE 231 AND 236. END SUMMARY.

1. THE GENERAL COMMITTEE MEETING PROVIDED A FORUM FOR THE EXPECTED CRITICISM OF US DEEP SEABED MINING (DSM) LEGISLATION BY THE G-77, SUPPORTED BY THE USSR AND CANADA. FIJI (NANDAN) DELIVERED THE PROTEST AS CHAIRMAN OF G-77. HE CLAIMED THAT NATIONAL LEGISLATION FOR DSM COMES AT A TIME WHEN THE CONFERENCE HAS COMPLETED 90 OF ITS WORK ON A  
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COMPREHENSIVE TREATY WHICH, INTER ALIA, WILL REGULATE SUCH MINING. HE WENT ON TO CLAIM THAT US LEGISLATION WAS HASTY, SHORT-SIGHTED AND ILLEGAL IN THE VIEW OF THE G-77. CITING VARIOUS UN RESOLUTIONS ON THE COMMON HERITAGE PRINCIPLE AND A MORATORIUM ON DSM, NANDAN CHARACTERIZED THE ACTION AS THREATENING TO JEOPARDIZE THE SUCCESSFUL CONCLUSION OF A TREATY. (FULL G-77 STATEMENT SENT SEPTTEL.)

2. AMBASSADOR RICHARDSON RESPONDED BY POINTING OUT THAT THE LEGISLATION:

-- RECOGNIZES THAT THE RESOURCES OF THE SEABED ARE THE COMMON HERITAGE OF MANKIND.

-- REQUIRES THAT REVENUES BE SET ASIDE FOR DEVELOPING COUNTRIES.

-- REQUIRES STRINGENT STANDARDS FOR THE PROTECTION OF THE MARINE ENVIRONMENT.

-- DOES NOT ASSERT ANY RIGHT OF SOVEREIGNTY OR SOVEREIGN RIGHTS OVER SEABED MINE-SITES.

-- WILL BE SUPERSEDED WHENEVER A LAW OF THE SEA TREATY TAKES EFFECT WITH REGARD TO THE UNITED STATES.

-- DOES NOT DECLARE OR IMPLY ANY INTENTION THAT AMERICAN SEABED MINING COMPANIES SHOULD REMAIN OUTSIDE THE JURISDICTION OF AN INTERNATIONAL SEABED AUTHORITY UNDER SUCH A TREATY.

HE WENT ON TO STATE THAT ALTHOUGH WE SUPPORT THE COMMON HERITAGE CONCEPT THE US HAS NEVER AGREED TO A MORATORIUM  
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ON DSM PARTICULARLY IN VIEW OF THE WORLD'S LONG-RANGE NEED FOR CERTAIN MINERALS. RICHARDSON HOPED THAT THE SEABED MINING LEGISLATION WOULD FACILITATE THE EARLY CONCLUSION OF AN LOS TREATY BY DISPELLING THE IMPRESSION THAT THE TECHNICALLY ADVANCED COUNTRIES WOULD ACCEPT AN OTHERWISE UNSATISFACTORY TREATY JUST TO OBTAIN THE MINERALS.

3. RICHARDSON CONCLUDED BY RE-STATING THE US GOAL OF CONCLUDING AN LOS TREATY AS SOON AS POSSIBLE, AND THE LEGISLATION BEFORE CONGRESS IS ENTIRELY COMPATIBLE WITH THE PRINCIPLES ON WHICH THE TREATY WILL BE BASED. HE ALSO INDICATED THAT NO MINING PERMITS WOULD BE ISSUED FOR SEVERAL YEARS, THUS ALLOWING AMPLE TIME FOR LOS NEGOTIATIONS TO CONCLUDE. (FULL TEXT SENT SEPTTEL.)

4. THE USSR (KOZYREV) CRITICIZED THE US ACTION AS ILLEGAL AND SAID THAT ALL MINING ACTIVITY IN THE DEEP SEABED MUST BE REGULATED BY THE AUTHORITY.

5. CANADA (BEESLEY) DISASSOCIATED ITSELF FROM THE VIEWS EXPRESSED BY THE US REPRESENTATIVE, SINCE CANADA DOES NOT SUPPORT UNILATERAL ACTION IN DSM, AND CALLED FOR MORE

PATIENCE ON THE PART OF THE INDUSTRIALIZED COUNTRIES SINCE THERE IS NO URGENCY FOR LEGISLATION IF MINING IS NOT EXPECTED TO COMMENCE UNTIL THE MID-1980'S.

6. CAMEROON (ENG0) AGREED WITH CANADA AND ADDED THAT IMPATIENT COUNTRIES SHOULD REMEMBER THAT IT IS POSSIBLE "TO HAVE A TREATY RIGHT NOW" SINCE IT ONLY TAKES A TWO-THIRDS VOTE (IMPLYING THAT THE G-77 AND ITS SUPPORTERS COULD PUSH THROUGH A TREATY). HOWEVER, ALL OF THE CONFEREES ARE STRIVING TO NEGOTIATE A LAW OF THE SEA WHICH WILL ACCOMMODATE THE INTERESTS OF ALL PARTIES. PERU JOINED IN TO STATE THAT UNILATERAL ACTION IN DSM COULD UPSET THE DELICATE BALANCE OF THE COMMITTEE II AND III NEGOTIATIONS. THUS THE FAILURE OF ENTIRE CONFERENCE COULD BE ASCRIBED TO CONFIDENTIAL

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7. THE CZECH REPRESENTATIVE TOOK THE OPPORTUNITY TO COMPLAIN THAT ONE OF HIS DELEGATION MEMBERS HAD BEEN DENIED A US VISA TO ATTEND THE CONFERENCE AND HE ASKED PRESIDENT

AMERASINGHE TO INTERVENE.

8. AMERASINGHE CONCLUDED THE MEETING BY ASKING THE US DELEGATION TO LOOK INTO THE CZECH PROBLEM AND TO CONVEY TO THE US CONGRESS THE GENERAL COMMITTEE COMMENTS ON SEABED LEGISLATION.

9. COMMENT: THE G-77 HAD AGREED THAT IT WAS ABSOLUTELY NECESSARY TO EXPRESS THEIR CONCERN OVER US SEABED MINING LEGISLATION. HAVING GOTTEN IT OFF THEIR CHESTS, WE EXPECT THEM TO CONTINUE THE WORK OF THE RESUMED SESSION WITHOUT FURTHER MAJOR CRITICISM. END COMMENT.

10. FIRST COMMITTEE - DESPITE CONTRARY EXPECTATIONS, NG-1 FOLLOWED AN FRG REQUEST TO BEGIN ITS DISCUSSION OF ANNEX II WITH PARA 1 (INSTEAD OF PARA 5). LATE-ARRIVING PERU OBJECTED BUT CHAIRMAN NJENGA CONFIRMED THAT THE CONFIDENTIAL

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DISCUSSION WOULD CONTINUE ON PARA 1. THE FRG SAID THAT THE TITLE TO MINERALS SHOULD "REST" RATHER THAN "PASS" UPON RECOVERY, AND IT QUESTIONED THE USE OF "NORMALLY." THE US, WITH LATER BACKING FROM THE UK, AGREED WITH THE GERMAN POINTS AND PROPOSED DELETION (FROM THE PARA AND HEADING) OF "AND PROCESSED SUBSTANCES" TO MAKE CLEAR THAT THE PARA APPLIES ONLY WITH REGARD TO MINERALS AND THAT THE QUESTION OF TITLE TO PROCESSED SUBSTANCES DOES NOT ARISE. THE US ALSO PROPOSED THAT TITLE SHOULD REST IN THE "OPERATOR" (OR SIMILAR NEUTRAL TERM) SINCE THE RESTING OF TITLE PROVISION IS APPLICABLE EQUALLY TO ALL MINERS INCLUDING STATES, PRIVATE COMPANIES AND THE ENTERPRISE. THE US ALSO PROPOSED DELETING THE SECOND AND THIRD SENTENCES OF PARA 1 AS OBSCURE AND REDUNDANT. SWEDEN AGREED WITH THE DELETION OF "AND PROCESSED SUBSTANCES" BUT NOT THE OTHER US AND FRG POINTS. EGYPT CONNECTED PARA 1 TO THE PARA 7 PROVISIONS WHICH ARE STILL UNRESOLVED, BUT THERE WAS NO OTHER REACTION FROM THE G-77 TO THE US POINT THAT PARA 1 ALSO APPLIES TO THE ENTERPRISE.

11. NG-7 - AN ANNOTATED SURVEY OF POSSIBLE CONCILIATORY APPROACHES TO THE SETTLEMENT OF DISPUTES ON MARITIME BOUNDARIES WAS CIRCULATED IN NG-7, AUGUST 28. AFTER A DETAILED PRESENTATION OF THE DOCUMENT BY THE US (SOHN, CHAIRMAN OF THE EXPERT GROUP WHICH PREPARED THE SURVEY), THE INTRODUCTORY DEBATE DEMONSTRATED INTEREST IN THE SUGGESTED COMPROMISES. MORE DETAILED DISCUSSION OF THE TEXTS WILL BEGIN ON AUGUST 29. MOROCCO AND THE SOVIET UNION PROPOSED A STUDY BY THE SECRETARIAT ON THE NUMBER AND CONTENT OF MARITIME BOUNDARY ARBITRATIONS AND AGREEMENTS.

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12. COMMITTEE THREE MET IN INFORMAL SESSION AND CONSIDERED AN ARAB PROPOSAL FOR ARTICLE 236 RELATING TO RESPONSIBILITY AND LIABILITY. WHILE SPAIN, PORTUGAL, CHILE, AND COLOMBIA SPOKE IN SUPPORT OF ADOPTING SOME OF THE PRINCIPLES SET FORTH IN THE AMENDMENT, FRANCE AND THE UNITED KINGDOM STATED THAT IT WOULD BE TOO LATE IN THE NEGOTIATIONS TO INTRODUCE SUCH A CHANGE (WHICH WOULD REQUIRE EXTENSIVE TECHNICAL ADDITIONS). IN THE AFTERNOON, THE SMALL VALLARTA WORKING GROUP REACHED AGREEMENT ON THE FOLLOWING FORMULATION OF ARTICLE 231: ARTICLE 231 WOULD BE DIVIDED INTO TWO PARAGRAPHS AS FOLLOWS:

1. ONLY MONETARY PENALTIES MAY BE IMPOSED WITH RESPECT TO VIOLATIONS OF NATIONAL LAWS AND REGULATIONS OR APPLICABLE INTERNATIONAL RULES AND STANDARDS, FOR THE PREVENTION, REDUCTION AND CONTROL OF POLLUTION OF THE MARINE ENVIRONMENT FROM VESSELS, COMMITTED BY FOREIGN VESSELS BEYOND THE TERRITORIAL SEA.

2. ONLY MONETARY PENALTIES MAY BE IMPOSED WITH RESPECT TO VIOLATIONS OF NATIONAL LAWS AND REGULATIONS OR APPLICABLE INTERNATIONAL RULES AND STANDARDS FOR THE PREVENTION, REDUCTION AND CONTROL OF POLLUTION OF THE MARINE ENVIRONMENT FROM VESSELS, COMMITTED BY FOREIGN VESSELS IN THE TERRITORIAL SEA EXCEPT IN THE CASE OF A WILFUL AND SERIOUS ACT OF POLLUTION IN THE TERRITORIAL SEA.

13. THE LINGUISTICS GROUPS AND THE DRAFTING COMMITTEE COMPLETED PRELIMINARY WORK ON INTERNAL REFERENCES OF THE ICNT, AND WILL NOW CONSIDER THE RECURRING-WORDS-AND-PHRASES SECRETARIAT PAPER. THE SECRETARIAT WILL NOW BEGIN PREPARATION OF INFORMAL PAPERS INCORPORATING THE CO-ORDINATED VIEWS OF THE DELEGATIONS TO ARRIVE AT A  
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TECHNICALLY IMPROVED TEXT. THE SECRETARIAT'S INFORMAL

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FROM LOS DEL

PAPERS WILL BE REVIEWED BY THE LINGUISTICS GROUPS BEFORE  
THEIR RELEASE. LEONARD

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